

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MICHAEL TYNE WERNER, #1481362

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§

VS.

CIVIL ACTION NO. 4:16-cv-426

DIRECTOR, TDCJ-CID

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Christine A. Nowak. The Report and Recommendation of the Magistrate Judge (Dkt. #10), which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. The Court construes Petitioner's affidavit (Dkt. #15), filed on November 28, 2016, as objections to the Report and Recommendation. In his objections, Petitioner argues the merits of his petition, and requests, "a new judge in the United States District Court, Eastern District of Texas, Sherman Di[]vision to look into my case bec[a]use of my amendments rights the due process clause." *See* Dkt. #15 at 5. Petitioner does not dispute he failed to receive permission from the Fifth Circuit to file a successive petition. *See id.* at 2. Having made a *de novo* review of the objections, the Court concludes the findings and conclusions of the Magistrate Judge are correct and Petitioner's objections are without merit.

It is therefore **ORDERED** that the petition for habeas corpus is **DISMISSED** without prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

**SIGNED this 26th day of February, 2018.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE